

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 18602, 19370, 19733,
20066, 20214**

(Jointly Administered)

URGENT CONSENSUAL MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this urgent consensual motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the dates and deadlines established in the *Order Granting*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA has been codified in 48 U.S.C. §§ 2101–2241.

Urgent Consensual Motion for Extension of Deadlines [ECF No. 20066] (the “Scheduling Order”), and states as follows:

Request for Relief

1. On October 19, 2021, Community Health Foundation of P.R. Inc. (“Movant”) filed the *Community Health Foundation of P.R. Inc.’s Motion for Allowance and Payment of Administrative Expense* [ECF No. 18602] (the “Administrative Expense Motion”) seeking, among other things, (i) allowance and payment of certain post-petition wraparound payments and (ii) an order requiring the Commonwealth to prospectively make all wraparound payments to Movant. In the Administrative Expense Motion, Movant asserts that the Commonwealth has failed to perform its obligations with respect to each quarterly payment period beginning on the 4th quarter of 2017, up to and including the 3rd quarter of 2021, resulting in a shortfall of \$20,032,477 owed to Movant.

2. The Administrative Expense Motion requested a hearing for the Court to consider the Administrative Expense Motion (the “Hearing”) to be established for December 15, 2021 at 9:30 a.m. (A.S.T.) and the deadline to object to the Administrative Expense Motion (“Objection Deadline”) to be November 30, 2021 at 4:00 p.m. (A.S.T.).

3. On February 8, 2022, upon the motion of the Oversight Board requesting an extension of the schedule proposed in the Administrative Expense Motion [ECF No. 20064], the Court entered the Scheduling Order, which set the Objection Deadline for March 16, 2022, at 4:00 p.m. (A.S.T.) and the deadline for Movant’s reply papers (the “Reply Deadline”), if any, for March 23, 2022, at 4:00 p.m. (A.S.T.). The Hearing is currently scheduled for the May 18, 2022 omnibus hearing. *See Order Granting Urgent Consensual Motion Seeking Adjournment of Hearing* [ECF No. 20214] ¶ 2.

4. The Oversight Board has been investigating and evaluating Movant's claims as set forth in the Administrative Expense Motion. This process remains ongoing. In connection with its investigation, the Oversight Board has requested additional information from Movant. Although Movant has provided some of the requested documents and information, several of the Oversight Board's requests remain outstanding. Movant's counsel has represented that it is continuing to compile the remaining materials and provide them to the Oversight Board when they are available. The Oversight Board has also been working closely with relevant Commonwealth agencies to investigate the claims asserted in the Motion, and such agencies require this additional information from Movant in order to complete their investigation. Accordingly, the Oversight Board respectfully requests an extension of the Objection Deadline from March 16, 2022 to **April 18, 2022**. Movant has consented to this request.

5. In connection with this requested extension, the Oversight Board defers to the Court as to whether the Hearing should be further adjourned beyond the May 18, 2022 omnibus hearing date.

6. Pursuant to Paragraph 1.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the "Case Management Procedures"), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and Movant consents to the relief requested herein.

Notice

7. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

8. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

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³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

WHEREFORE, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: March 9, 2022
San Juan, Puerto Rico

Respectfully submitted,

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of the Commonwealth*

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 18602, 19370, 19733,
20066, 20214**

(Jointly Administered)

ORDER GRANTING URGENT CONSENSUAL MOTION FOR EXTENSION OF
DEADLINES

Upon the *Urgent Consensual Motion for Extension of Deadlines* (ECF No. [], the “Extension Motion”);² and the Court having found that the relief requested in the Extension Motion is in the best interests of the Debtor and Movant; and the Court having found that the Debtor provided adequate and appropriate notice of the Extension Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Extension Motion; and the Court having determined that the factual bases set forth in the Extension Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Extension Motion.

1. The Extension Motion is granted as set forth herein.
2. Responsive papers to the Administrative Expense Motion, if any, must be filed by **April 18, 2022, at 4:00 p.m. (Atlantic Standard Time).**
3. This Order resolves Docket Entry No. [] in Case No. 17-03283.

SO ORDERED.

Dated: [], 2022

LAURA TAYLOR SWAIN
United States District Judge